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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF BANKING 2008 MAR 25 AM 7:47

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| <p>COMMONWEALTH OF PENNSYLVANIA :</p> <p>DEPARTMENT OF BANKING, BUREAU :</p> <p>OF COMPLIANCE, INVESTIGATION AND :</p> <p>LICENSING :</p> <p style="text-align: center;">v. :</p> <p>TRIUMPHE MORTGAGE CORPORATION :</p> | <p>:</p> | <p>PA DEPT OF BANKING</p> <p>Docket No. <u>080055</u> (ENF-CO)</p> |
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CONSENT AGREEMENT AND ORDER

The Commonwealth of Pennsylvania, acting through the Department of Banking ("Department"), Bureau of Compliance, Investigation and Licensing, ("Bureau") has reviewed the business practices of Triumphe Mortgage Corporation ("Triumphe") and its officers, employees and directors. Based on the results of its review, the Department alleges that Triumphe is in violation of the Mortgage Bankers and Brokers & Consumer Equity Protection Act ("MBBCEPA"), 63 P.S. § 456.101 *et. seq.* The parties to the above captioned matter, in lieu of litigation, hereby stipulate that the following statements are true and correct in the settlement of the above-captioned matter and, intending to be legally bound, hereby agree to the terms of this Consent Agreement and Order ("Order").

BACKGROUND

1. The Department is the Commonwealth of Pennsylvania's administrative agency authorized and empowered to administer and enforce the MBBCEPA.
2. The Bureau is primarily responsible for administering and enforcing the MBBCEPA for the Department.
3. Triumphe is licensed as a first mortgage broker under the MBBCEPA,

License No. 12486, and as a secondary mortgage lender under the Secondary Mortgage Loan Act, License No. 12487.

4. Triumphhe maintains a principal place of business at 7 Joanna Drive, Malvern, Pennsylvania 19355-3313 ("Principal Place").

5. On August 27, 2007, an Examiner for the Department conducted an examination of the Principal Place.

6. The examination revealed the Triumphhe closed two first mortgage loans its own name while licensed as a first mortgage broker.

7. Specifically, the Settlement Statements (HUD-1 documents) and the Mortgage Notes created as a result of the transactions on the two first mortgage loans identified Triumphhe as the lender.

8. The two first mortgage loans that Triumphhe closed involved property located in Pennsylvania and involved residents of Pennsylvania.

VIOLATION

9. Section 309(a)(5) of the MBBCEPA provides that, "[a] licensee *shall not* . . . [i]n the case of a mortgage broker or limited mortgage broker, *commit to close or close mortgage loans in its own name.*" 63 P.S. §456.309(a)(5) (emphasis added).

10. By closing two first mortgage loans in its own name as a lender, Triumphhe violated Section 309(a)(5) of the MBBCEPA.

11. Section 314(c) of the MBBCEPA provides, "[a]ny person licensed under the provisions of this chapter or any director, officer, employee or agent of a licensee who shall violate the provisions of this chapter . . . shall be subject to a fine levied by the department of up to \$2,000 for each offense." 63 P.S. §456.314(c).

RELIEF

12. Fine. Within thirty (30) days of the Effective Date of this Order, Triumphé shall pay to the Department a fine in the amount of \$2,000 by certified check or money order. The check or money order should be made payable to the "Department of Banking" and forwarded to the attention of Non-Depository Institutions, Bureau of Compliance, Investigation and Licensing located at 17 N. Second Street, Suite 1300, Harrisburg, PA 17101.

13. Corrective Action. Triumphé shall cease and desist from closing first mortgage loans in its own name as a lender in violation of the MBBCEPA while licensed as a first mortgage broker.

FURTHER PROVISIONS

14. Consent. Triumphé hereby knowingly, willingly, voluntarily and irrevocably consents to the entry of this Order pursuant to the Bureau's order authority under the MBBCEPA and agrees that it understands all of the terms and conditions contained herein. Triumphé by voluntarily entering into this Order, waives any right to a hearing or appeal concerning the terms, conditions and/or penalties set forth in this Order.

15. Publication and Release. Triumphé consents to the publication and release of this Order.

16. Entire Agreement. This Order contains the whole agreement between the parties. There are no other terms, obligations, covenants, representations, statements, conditions, or otherwise, of any kind whatsoever concerning this Order. This Order may be amended in writing by mutual agreement by the Bureau and Triumphé.

17. Binding Nature. The Bureau, Triumphe, and all officers, owners, directors, employees, heirs and assigns of Triumphe intend to be and are legally bound by the terms of this Order.

18. Counsel. This Order is entered into by the parties upon full opportunity for legal advice from legal counsel.

19. Effectiveness. Triumphe hereby stipulates and agrees that the Order shall become effective on the date that the Bureau executes the Order (“Effective Date”).

20. Other Enforcement Action.

(a) The Department reserves all of its rights, duties, and authority to enforce all statutes, rules and regulations under its jurisdiction against Triumphe in the future regarding all matters not resolved by this Order.

(b) Triumphe acknowledges and agrees that this Order is only binding upon the Department and not any other local, state or federal agency, department or office regarding matters within this Order.

21. Authorization. The parties below are authorized to execute this Order and legally bind their respective parties.

22. Counterparts. This Order may be executed in separate counterparts.

23. Titles. The titles used to identify the paragraphs of this document are for the convenience of reference only and do not control the interpretation of this document.

WHEREFORE, in consideration of the foregoing, including the recital paragraphs, the Bureau and Triumphhe intending to be legally bound do hereby execute this Consent Agreement and Order.

**FOR THE COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF BANKING
BUREAU OF COMPLIANCE, INVESTIGATION
AND LICENSING**

Ryan M. Walsh, Administrator
Bureau of Compliance, Investigation and Licensing
Department of Banking

Date: March 24, 2008

FOR TRIUMPHE MORTGAGE CORPORATION

(Print Officer Name)

PRESIDENT

(Title)

Date: 3/19/08